

DENOUNCES EVILS OF DRINK AND GAMBLING

The Rev. W. C. James Urges
Ministers Not to Weaken in
the Battle Against Sin.

CRITICIZES THE CAMPAIGN

Says Evangelists Failed to Reach
the Rich, and Christians Took
Places of Sinners.

Comparing his criticism of the recent Chapman-Alexander campaign with spots on the face of the sun, often unseen in the brilliancy of its rays, the Rev. W. C. James, of Grove Avenue Baptist Church, in the course of his sermon, on the subject, "Was the Revival a Failure?" last night called to account ministers who through weak-headedness fail to remind congregations of the evils of drink and traffic and the sin of turning parlors into gambling dens.

"I hope if there are any weak ministers in Richmond that this campaign has put vigor into their backbones, and has given them the spiritual strength to strike at sin whether it be among the denizens or the residents of the fashionable sections," he said. "When this preacher fails to speak out his mind against any evil you may know that he died the night before."

Two Things for Criticism.
In speaking of the recent visit of the evangelists, Mr. James referred to the fact that while the Auditorium was crowded with church-goers, there were outside hundreds of sinners who sought the gospel and could not find it. He spoke of this as a defect in the local management. "Another criticism I have to make is the failure to reach the great money people, among whom are many of the most influential citizens," he added. "It was unavoidable that such things should have occurred, but nevertheless the campaign was not a failure. It was a stupendous success."

"This campaign demonstrated that the old-time gospel, which insists upon repentance, has lost none of its power. It awakes the human mind to-day as it did in the days of the apostles. Now and then we are informed by some magazine or newspaper article that this old gospel is antiquated; yet I thank God the masses still hold to it. Some time ago Richmond people went to the evangelists' camp, and were much mortified. After they stood it as long as they could, many left the house before the end of the performance. This shows that we refuse, unless we are obliged, to hear anything that is offensive to our moral sense."

"This campaign revealed possibilities for which the most sanguine had no reason to hope. Had the Auditorium been twice as large, yes, if there had been six such buildings in Richmond, I am free to say every one of them would have been filled every night, and on every morning every week. There were men in this city who were thought to be beyond hope of spiritual resurrection."

Notorious Sinners Saved.
"We saw these men, some of whom had never been in a church before, humbly inquiring the way to eternal life. We heard them sing the song of a sinner saved by grace. All people have religious aspirations. The fact that the notorious sinners were saved reveals to us the possibilities of human life. There were before the campaign a great many Christians here who had done little for the cause, but now we see them going back into the churches, and offering themselves for active service."

"There are many so-called backsliders who, with our persuasion, would return. In view of the marvelous interest which has been aroused, why can't it be kept up, and why can't every church in the city be filled on week nights, and on every morning every week? An atmosphere has been begotten in which the preachers will be more able to accomplish results than heretofore. The atmosphere in which a man labors has a vital deal to do with his success. This revival has cleared the moral and spiritual atmosphere. I am led to indulge in the hope that the minister has received new heart for their stupendous task. Unless a minister be very careful he will find himself dropping out of the ranks of the congregation, instead of uplifting his congregation to the position in which he is supposed to stand."

Whiskey and Gambling.
"A preacher may have pronounced views on the liquor traffic, and hate it as he does the devil, and he may have men in his congregation who habitually take three drinks a day, or who in the sale of whiskey. If that minister does not look out he will weaken in the propagation of his views, and he will be afraid to express them because he is afraid he may give this or that man some offense."

"If the minister has ladies in the congregation who turn their parlors into gambling dens, he will weaken in fear that the members will get letters of transfer to some other church, where they may drink champagne, gamble and use liquor without having their sins recalled to them."

"I was glad to hear Dr. Chapman, on the last night of his campaign, that staunch advocate of Presbyterianism, whose congregations have been composed of millionaires and paupers, pour out his views on liquor, card-playing and gambling. I felt like saying, 'Go it, old fellow; keep it up all night long.'"

Mr. James spoke of the businesslike manner in which the evangelists managed their campaign, and closed his remarks in this connection by saying: "My plea is for the business men of this city, possessors, who can't you give the churches some of your superb ability? If business men would do their part, the churches would be beehives of industry."

"When you come to consider the assets, the playing of Harkness, the singing of the soloist, and the conduct of the chorus, took no insignificant part in the campaign for evangelism."

Two Assault Cases.
Emanuel Clendannin, colored, was arrested yesterday on a charge of obtaining \$250 under false pretenses from Anne McClellan. Another woman charged him with having feloniously assaulted and wounded Fannie Stovall. Samuel Carter, colored, was arrested on a charge of having cut Kate Parker.

BABY SLEEPS AS GROWN-UPS SHIVER

Local Doctor Experiments With
Fresh Air as Cure for
Pneumonia.

With hundreds of grown-ups suffering from yesterday's cold, even though plentifully supplied with furs or overcoats, an infant, fifteen months' old, was cozily sleeping in the open air on the roof of the Sheltering Arms Hospital, and nurses now and then took his respiration, and congratulated themselves in the late afternoon that the child, who is suffering from pneumonia, had improved after being exposed to the freezing atmosphere.

"Scrubby's" bedstead is a cracker box, the sides of which protect him from the wind, and under his tiny pallet six hot-water bags furnish artificial heat. Nose, ears, eyes and mouth are all that can be seen of him, as the tiny body, which weighs only eighteen pounds, is carefully wrapped in blankets. When he was taken in, just before dark yesterday, he placed for the night in a room in which all the windows will be kept open, the baby's respiration was thirty-four, not abnormal for an ill child.

Testing Fresh Air Cure.
"Scrubby" is the object of an experiment, local doctors are testing the fresh air cure for the disease. The physician declares that as far as he knows it is the first time such treatment has been undertaken in Richmond, even though in other cities the experiment has been made, and the results have been successful. That the child was put on the roof followed the suggestion of one of the nurses, who came to Richmond from a Norfolk hospital, in which she had seen similar treatment result beneficially. "Scrubby" is the infant's pet name, given him by the nurses soon after he was admitted to their care, nearly six months ago. His name is William Bowers. His parents live on Canal Street, Alabama. The child is thirty days, yet by special dispensation "Scrubby's" time has been extended indefinitely, and he will be kept, if he doesn't die, until the hospital closes for the summer.

When the infant was brought to the hospital, at the age of one year, he weighed nine pounds. He had been poorly nourished from his birth, and the insignificant looking little human gave little promise of living.

Can't Sleep in Rain.
How the infant contracted the disease is a matter which has been carefully watched night and day. He was beginning to be looked upon as a rather remarkable being, who had been raised from almost nothing to a baby of normal proportions, and the revelation had taken place within the brief period of five months.

Unless there is falling weather "Scrubby" will sleep on the roof again tonight, and in fact he must stay in the open air every clear day until the disease is mastered. It is a safe bet that the infant will have the best of care, as his bewitching smiles, after he became a normal baby and before the attack of pneumonia, captivated every nurse in the hospital.

LIKE SHERLOCK'S WORK
The result of the experiment is being watched with interest by physicians. Knowledge of the fact that there was another warrant out for the arrest of Mr. Garrett for a prisoner, who had occupied the same room with him, and who has recently been transferred to another section of the jail. Young has always been one of the toughest characters in the building, and it was at the request of his cellmate that the change was made.

Reception for Miss McCorkle.
A reception will be given by the board of managers of the Woman's Christian Association on Friday afternoon, February 5, from 5 to 7 o'clock at its home, 505 E. East. Francis McCorkle, who comes to Richmond to accept the position of general secretary of the association.

OPERATED ON MR. BYRD
Speaker Richard Evelyn Byrd, of the House of Delegates, was operated on in his apartments at the Jefferson Hotel last night at 9:30 o'clock for a severe case of acute inflammation of the ear, with which he had been suffering for the last three days. The operation was performed by Dr. William F. Mercer, assisted by Dr. R. C. Bryan, and was successful. Though painful it is not considered dangerous and no serious results are anticipated. At 10 o'clock last night, when Dr. Mercer visited the hotel he reported that Mr. Byrd was doing well and suffering little pain. His temperature had decreased almost to normal, showing that he had recovered from the effects of the operation. He is now practically out of danger. Mr. Byrd will remain at the Jefferson under the care of a trained nurse until he recovers. Mrs. Byrd has been at the hotel for some time.

Summary of Operations of the Building Inspector's Office

FROM JANUARY 1 TO JANUARY 31, 1909.			
Total number of permits issued in January for new work	45		
Total number of permits issued in January for alterations and repairs	20		
Total number of all permits issued in January	65		
Estimated cost of new improvements in January	\$105,062		
Estimated cost of alterations and repairs in January	16,375		
Total cost of work authorized in January	\$121,437		
Average value of permit for new work in January	\$2,334.71		
Average value of permit for alterations and repairs in January	818.75		
Average value of all permits issued in January	\$1,576.73		

NEW STRUCTURES.			
No.	Amount.	No.	Amount.
Brick dwellings	185,032	Brick dwellings	8,988
Frame dwellings	47,785	Frame dwellings	3,271
Stores	10,500	Stores	5,741
Sheds	1,145	Sheds	3,175
Warehouses and manufactories	5,700	Warehouses and manufactories	1,300
Churches	1	Churches	1
	\$305,000		\$16,375

Total number of examinations and reports: 22
Decrease in new work in January, 1909, as compared with January, 1908, is \$18,322; decrease in alterations and repair work in January, 1909, as compared with January, 1908, is \$12,315, making a total decrease of all work authorized in January, 1909, as compared with January, 1908, of \$30,637.
Note—The New High School Building (estimated \$350,235) was authorized in January, 1908.

**TO OPERATE IT AS
INDEPENDENT LINE**
Mr. Scott Denies Report That
Chesapeake and Ohio Will Pass
Into Hands of A. C. L.

Frederick W. Scott, of the banking firm of Scott & Stringfellow, who, with Edwin Hawley and others, secured control of the Chesapeake and Ohio Railway last week, returned to Richmond yesterday morning from New York.

When asked for a statement regarding the deal, Mr. Scott said that there was nothing to be added to the statement he gave the Times-Dispatch over the long distance telephone from New York Tuesday night, after the negotiations had been closed. He emphatically denied the report current in railroad circles here last week that the Chesapeake and Ohio would pass under the control of the Atlantic Coast Line Railroad, declaring that it will hereafter be operated as an independent line.

George W. Stevens, president of the Chesapeake and Ohio, also returned yesterday from New York, where he had a conference with Mr. Hawley and his associates. He declined to make any statement, saying that there was nothing new for publication at this time. However, he reiterated the announcement made by Mr. Scott, that there will be no change in the officials of the road, for the present, at least. Mr. Stevens stopped over in Washington Saturday night to attend the Gridiron banquet.

Arrested for Trespass; Had Gun.
George Hinds and T. Kain are in the county jail charged with trespassing on the Richmond, Fredericksburg and Potomac Railroad. An addition to the charge Hinds carried a pistol which was not found until he was searched at the jail. His case was postponed for a day, as he gave him time to prove his previous good character.

**FOUND MONEY
HIDDEN IN BED**
Thief Enters House of E. A. Clements, While He Is at Church.

While E. A. Clements, of 2610 M Street, was at church last night, and while his son-in-law and daughter and other members of the family were sitting in a room on the first floor, some man entered the house, they reported, went upstairs, and got \$17.55 from between the mattresses of the bed.

It was stated that the front door was not latched, but no one seems to have heard the intruder. Whoever he was, he went about his business methodically, for he made not the slightest sound, and he seems to have had little difficulty in finding the money, though it had been hidden in a rather peculiar place. In the same room was a large escritoire, which was not touched.

Officers were called to the scene, but they could find no clue to the thief. It is probable that the money was hidden in a closet, as the thief never will. Money is a difficult thing to identify, and no one saw the man to describe him.

Annual Sermon to Lee Camp.
The annual sermon before Lee Camp, Confederate Veterans, was delivered last night by the Rev. J. N. Latham, at Centenary Methodist Church. The camp attended in a body in Confederate gray uniforms. Richmond Chapter, Daughters of the Confederacy, also occupied reserved seats in the church.

THE WEATHER

Forecast: Virginia—Fair, continued cold Monday; Tuesday fair, not so cold; light northwest to north winds.	
North Carolina—Clear, cold Monday; Tuesday fair, not so cold; moderate northwest to north winds.	
CONDITIONS YESTERDAY.	
Richmond's weather was cloudy and cold. Thermometer at midnight, 24°.	
CONDITIONS IN IMPORTANT CITIES.	
(At 8 P. M., Eastern Standard Time.)	
Place.	Ther. H. T. Weather.
Ashville	22 36 Rain
Augusta	32 36 Clear
Atlanta	22 36 Clear
Chicago	14 18 Rain
Cincinnati	20 22 Rain
Davenport	42 46 Clear
Dayton	42 46 Clear
Hatteras	42 36 Clear
Jacksonville	36 40 Clear
Kansas City	22 36 Clear
New Orleans	40 58 Clear
Oklahoma City	34 40 Clear
Pittsburg	18 18 Rain
Portland	30 32 Clear
Tampa	36 32 Clear
Washington	30 32 Rain
Wilmington	20 30 Clear
Yellowstone	20 30 Rain

MINIATURE ALMANAC.
February 1, 1909.
Sun rises... 7:14
Sun sets... 5:32
Moon sets... 3:01
High tide... 1:18
Low tide... 7:18

BACK BROKEN, BUT FOOT GUARD MAY AGED MAN LIVES COME HERE AGAIN

Hospital Physicians Believe
George C. Smith Will Re-
cover from Accident.

George C. Smith, sixty-two years old, who on Friday morning suffered a broken back in a fall from a stable loft on his farm at Atlee, Hanover county, and who underwent an operation in which the projections from two vertebrae of his spinal column were removed, is still living in the Memorial Hospital, and the report given out by the attending physician last night was that his condition is more favorable than at any time since the accident occurred.

That the patient should have lived under the operation was a surprise to the doctors, and that he should thereafter show such promising symptoms is even greater encouragement that he will live for some time.

Mr. Smith is described as having been a man of powerful strength prior to the time of the accident, and relatively similar to which have often visited the hospital, declare that he had never in all his long life known a sick day or been under a physician's care.

His vitality is said to be the chief reason for the remarkable resistance to injuries similar to which have often been known to produce death within a short time. Mr. Smith was injured in the early morning, and thereafter remained without attention for several hours. He was brought to this city twelve hours after his severe fall. He is perfectly conscious, and has been permitted to see and talk with members of his immediate family.

Although the doctors say that danger of death is not past, and that their patient cannot recover his former good health, it is hoped, in view of his present condition, to prolong his life for several years.

**FOUND PLentiful
SUPPLY OF BOUZE**
HENRICO CITIZENS
TO KEEP UP FIGHT

While certain that the murderer of James Flynn will go to the electric chair some time in March, Henrico citizens have not let the matter of better police protection drop, but are determined to have the force made larger and more efficient for the future.

Westhampton Park Association, represented by its committee—Samuel Register, A. Biene Blair and A. H. Harris—will appear before the board of supervisors to-morrow and ask for an appropriation for a special paid police man in the vicinity of the park. If the request is granted the committee will immediately recommend the most suitable man on the list of applicants to Judge R. Carter Scott.

On its own account the board will take up the question of a better force for the entire county, and it is said, will incidentally take the first steps in effecting a complete and thorough reorganization in Henrico district.

The plan advocated by the majority of the board is to have appointed a separate force for each district, as nearly sufficient for the protection of that district as the funds at the command of the county will warrant. These are to be directly under the control of the board and the sheriff. Each man will have a certain section to cover each day, and will keep in touch with the police house, so that there will be no delay in carrying out orders. In the reorganization scheme it is the purpose of the board to look well into the present force and to take care that the new men appointed are thoroughly competent. According to some who are in a position to know the true state of affairs, a few of the officers now on the pay roll will be dropped.

There are several applicants for the position of policeman at Westhampton Park, and Judge Scott will be influenced largely by the recommendations of the committee. When the matter was first brought up the name of Constable C. O. Burch, who, with Detective Gibson, of the city police force, arrested the county jail, was prominently mentioned. Burch, who is stated, however, that he will not accept.

HAVE EYE ON HAMLET

Henrico Officers Believe He Had Part
in Murder of James Flynn.

Since the arrest of James Smith, the negro charged with the murder of James Flynn, near Westhampton, officials have been gathering evidence in an effort to show that Charles Hamilton, who was arrested with him, was accessory to the crime. It is now stated that Hamilton will be produced in court, and will be sufficient to give him at least a term in the penitentiary. When his case comes up before the magistrate, the officers will be produced, and the Park will testify to the fact that the two negroes were together a short time before the killing.

Magistrate Lewis has not yet set a date for his preliminary trial, but the case will probably come up this week. Aside from declaring that they are innocent, the prisoners will make no statement.

CONNECTICUT MILITARY COMPANY Planning Trip South—Blues Attend Inauguration.

The Richmond Light Infantry Blues' Battalion has practically completed arrangements to attend the inauguration of President Taft in Washington on March 4, and to take part in the inaugural parade. Each company will carry five squads. The battalion will leave Richmond on the night of March 3, and will return on the night of March 5. The men will pay their own expenses, but under the special rates for transportation and accommodations the cost will be very light. The full-dress uniforms destroyed by the fire at New Haven last summer have been replaced by new ones, and the battalion will parade in the gorgeous plumes and white-breasted suits.

It is probable that both the New Haven and Hartford companies of the Connecticut Foot Guard will be in line at Washington, and it is also likely that the command will accompany the Blues to Richmond for a visit.

In a letter to a member of the Blues received yesterday, a member of the New Haven company said that they are only waiting to see if the State Legislature will make an appropriation to help pay expenses before deciding on their course. If this is done the two Connecticut companies will visit Richmond as guests of the Blues. The Blues were handsomely entertained in the New England States last summer, the sum of \$10,000 being appropriated by the two cities. When the battalion hears definitely whether to expect the Foot Guard members will at once go to work to raise funds toward its entertainment. Already a business man has volunteered to give \$100, and a week of his time toward soliciting funds.

Called for a Drink
Man in Station House Thought Desk Sergeant Was Bartender.

"He is a fine looking bartender," said a man looking into the First Police Station early yesterday morning. "Give us a drink," and he drank down a dime. Several other men had been brought in by the police, and there were two bottles of whiskey reposing restfully and enticingly on the desk.

"I was 25 cents to get a drink here," said the man behind the desk. "No more and no less. It's after 12 o'clock."

"Thash too much for me," replied Felner; "only one dime left." He walked out and went down to the corner, where he evidently got his money, and returned, for half an hour later he re-entered the station, this time borne in the arms of a steady officer.

"Looks familiar," he muttered. "Think I've been in this place before." He was followed by another drunk, who was still sober enough, however, to know that he was too drunk to try to get home.

"Lick me up," he said. "I'm drunk." He was placed in the bull pen.

FREE RIDES TO SCHOOL

Henrico Wagons Will Give Teachers
and Pupils Free Ride Every Day.

Completed and accepted by the School Board, the new High School of Virginia District, Henrico county, will be formally opened this morning. Superintendent Jackson Davis will be in charge of the exercises. With a selected corps of teachers and a large number of scholars drawn from the higher grades of the other schools the regular work of the institution will begin to-morrow morning.

The featured event of the opening exercises will be an inspection of the two wagons which will be used for the first time in the county for the purpose of carrying teachers and scholars to and from school. The drivers, who got the wagons at the last meeting of the district school board, will be on hand and have their rigs ship-shape for real work. The wagons, which will seat thirty persons, are provided with tops and curtains made to withstand the rain and snow.

**GOVERNOR WILL NOT ATTEND
LAUNCHING OF DELAWARE**
Governor Swanson will not be able to attend the launching of the new 20,000-ton battleship Delaware, which will take place at Newport News next Saturday morning, at 9:30 o'clock. He said yesterday that he would commission someone to represent the State on the occasion, and would welcome Governor Pennewill, of Delaware, and the other prominent visitors.

Wednesday Club Rehearsal.
The weekly rehearsals of the Wednesday club will be given at the Young Men's Christian Association Tuesday evening at 8:15 o'clock.

RAILROADS MAY TAKE ACTION IN RATE CASE

THREE THOUSAND AT ECHO MEETING

Gig Crowd Gathers at Auditorium
to Hear Reports of Chapman-
Alexander Campaign.

That the deep spiritual interest which was awakened in Richmond by Rev. J. Wilbur Chapman, D. D., and his corps of evangelists and singers still is predominant, was manifest yesterday afternoon, when more than 2,500 people braved the bitter cold winds to attend the echo service in the City Auditorium at 3:30 o'clock. There was a general outpouring of the church people of the city, together with scores of those who during the campaign were persuaded to lead better lives. The success of the meeting exceeded the expectations of even the most sanguine, and it is regarded as a fitting tribute to the efforts of the evangelists here. An inspiring song service was held.

The choir of about 600 voices, which sang nightly at the Auditorium throughout the campaign, was seated on the raised platform on the stage of the building, and, under the leadership of Walter C. Mercer, sang many of the hymns that were introduced here by Charles M. Alexander. The audience also joined in the singing, and the familiar tunes rolled out in unison from almost every part of the building. During the service Howard C. Bryant, a member of the quartet of the Second Baptist Church, sang "The Sparrow Song," which pleased the audience. The choir sang "The Sparrow Song" again at the meetings at the Auditorium.

Two Thousand to Join Churches.
Judging from the reports made from the various districts, more than 2,000 men, women and children who confessed Christ during the evangelistic meetings will be admitted to membership in the various Protestant churches here. Already several hundred additions have been made to the churches since the campaign opened, and it is estimated that as the result of the meetings conducted by Dr. Chapman and his assistants the total additions to the churches will aggregate nearly 3,000.

Rev. Thomas Semmes, rector of St. Andrew's Episcopal Church, presided at the meeting, and made the first report. Other reports were made by Rev. Robert W. Forsyth, rector of St. Paul's Church, Rev. Robert A. Goodrich, rector of St. John's Episcopal Church, Rev. David Hepburn, pastor of the Fulton Baptist Church, and Rev. J. J. Fix, pastor of the First Presbyterian Church, of Manchester.

All of the pastors reported scores of conversions in their districts, and the awakening of a spiritual interest among the church-going people and others outside of the church never before equalled in Richmond. It seemed to be the consensus of opinion among the pastors that the success of the campaign had been far greater than any one had anticipated, and that the fruits of it will be reaped here for many years to come.

When the reports were concluded, Rev. Hugh D. C. Maclean, pastor of the Seventh Street Presbyterian Church, delivered a very interesting address on the preparations that were made by the churches of the city for the campaign. He was followed by Mr. Foster, who spoke on the "reapers" who contributed most to the success of the meetings, and Rev. W. L. Ball, pastor of the Tabernacle Baptist Church, spoke on the "harvest" that is following the work of the evangelists.

CALL FOR A DRINK

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Judge Pritchard Will Probably Be
Asked to Make Temporary In-
junction Permanent.

STATE MAY THEN APPEAL

Careful Student of the Litigation
Gives Concise Statement of
Status of Proceedings.

Although no statement has been made as to the future of the Virginia rate case, either by attorneys for the railroads or the State, it is probable that the matter will be presented to Judge Pritchard in this city early this month, and that the action will be an application by the railroads for a permanent restraining order prohibiting the putting into effect of the two-cent rate. Thereafter, to carry the cases toward the point of final settlement, the State would have to appeal to the United States Circuit Court of Appeals.

Judge Pritchard is expected here to-night or to-morrow to preside over the February term of the United States Circuit Court of Appeals.

The following carefully prepared statement of the case by an attorney who has thoroughly studied the various complications arising since the two-cent rate became effective, gives concisely the standing of the contending parties in the litigation.

"The Supreme Court of the United States affirmed every ruling made by the court below in the Virginia rate cases, and among other things held that the Virginia Corporation Commission, in fixing rates, was only exercising its administrative functions in respect to that matter, and was not exercising judicial functions, and that therefore it was not a court within the meaning of section 750 of the Revised Statutes, and that when it is so stated that a restraining injunction would be restraining the enforcement of the same."

Should Have Fixed Rate.
"It was also held that the Court of Appeals of Virginia, under the constitutional provision providing for the establishment of the Railroad Corporation Commission, in fixing rates, was only exercising its administrative functions in respect to that matter, and was not exercising judicial functions, and that therefore it was not a court within the meaning of section 750 of the Revised Statutes, and that when it is so stated that a restraining injunction would be restraining the enforcement of the same."

"That inasmuch as this had not been done by the railroad companies, the institution of the suit in the Circuit Court was premature, and that under the rule of comity the Circuit Court should have refused to enjoin the enforcement of the rates until such appeal had been taken to the Court of Appeals of that State."

"This question was not presented to the court below, and therefore was not passed upon by the court. Thus it will be seen that the contention of the railroads, that the Circuit Court of the United States, in a proper case, had jurisdiction to hear and determine the question involved in this controversy—to wit, as to whether the rate was confiscatory and therefore void, was sustained by the Supreme Court, which is a final determination of that question."

For Permanent Injunction.
"The Supreme Court of the United States, among other things, remanded the case to the Circuit Court with instructions to retain jurisdiction until it could be ascertained whether the Court of Appeals of the State would at this time entertain an appeal of the railroads, as provided in the corporation act, with the provision that in the event the Court of Appeals of the State should refuse to entertain such appeal, then the judgment of the Circuit Court was to be affirmed and a decree entered accordingly."

"Now that the Circuit Court of Appeals has refused to entertain the appeal, the status of the case in the Circuit Court is the same as it would have been had the Supreme Court in the first instance affirmed the decision of Judge Pritchard in the Circuit Court."

"Under the ruling of the Supreme Court, in view of the action of the Court of Appeals of Virginia, it seems that the railroads are entitled to a permanent injunction restraining the commission from putting into effect the two-cent rate, and that body. From this decree it also appears that there can be no appeal inasmuch as the matter has already been passed upon and finally determined by the highest court in the land."